

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
THOMASVILLE DIVISION**

HENRY JAMES WIMBERLY, JR.,	*
	*
Petitioner,	*
	*
v.	* CASE NO. 6:05-CV-31 (HL)
	* 28 U.S.C. § 2254
CARLTON POWELL, Sheriff,	*
	*
Respondent.	*

**ORDER DENYING UNTIMELY MOTIONS AS MOOT**

Petitioner Wimberly filed in this court, on June 14, 2005, an application for federal Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 along with a Request to Proceed *In Forma Pauperis*, which was granted. On July 6, 2006, by dispositive Order, this Court determined that Petitioner Wimberly had been convicted and was serving a sentence on a matter unrelated to the current petition , and concluded that Petitioner's application for federal habeas relief was moot (Doc. 27). The Court also found that Petitioner's various Motions pending at that time were moot.

Nonetheless, on September 29, 2006, without specifying any cause therefor, Petitioner Wimberly filed Plaintiff's Motion for Reconsideration on the Notice Re Disposal of State Habeas Record (Doc. 29), Motion for Objections to the Ruling of 8/17/06<sup>1</sup> (Doc. 30), and Motion for Demand by Jury and Right to Jury Trial (Doc. 31). These motions were filed

---

<sup>1</sup> The entry on the docket on August 17, 2006 was the Clerk's Notice to the parties that the paper documents filed in this action would be destroyed within 10 days unless contacted prior to the expiration of that time.

more than eighty (80) days after final disposition of this action.

Pursuant to the Court's prior ruling, and no legal cause being found for reopening this matter, Petitioner's Motions are hereby dismissed as untimely and moot.

**SO ORDERED**, this 24th Day of January, 2007.

/s/ Hugh Lawson  
UNITED STATES DISTRICT JUDGE